

CONFIDENTIAL

30 September 1969

MEMORANDUM FOR THE RECORD

**SUBJECT: Meeting with Jack Matteson re Agency's Authority
for Refusal to Provide Witnesses & Information
in Prosecution of Green Berets**

1. Jack Matteson, Professional Staff Member, House Foreign Operations and Government Information Subcommittee, called and advised he had just received a personal note from Chairman Moss asking him to check the authority for the Agency's refusal to provide witnesses and information in the prosecution of a "criminal trial" involving the Green Berets. Representative Moss' appetite was apparently whetted by an item in this morning's New York Times that indicated in effect that the citation of legal authority for this action "was not readily available." I thanked Jack for the call and told him I would try to be back in touch this afternoon, but if not, then first thing tomorrow.
2. I met with Mr. Houston who advised that this question has been answered by the Army JAG and that the applicable sections of the Manual for Courts Martial are sections 115d and 151b. In addition, of course, there is the Director's authority set forth in section 102(d)(3) of the National Security Act of 1947. Mr. Houston also advised that the appropriate contact in Army JAG is Colonel William Chilcoat, Director, Military Justice Division, telephone: 11-56433.
3. Mr. Matteson found the reference to the uniform military code a difficult authority to digest. In his attempt to reflect Representative Moss' views, Jack did not feel that the Manual for Courts Martial should have application to actions by the Director of Central Intelligence. It was necessary, therefore, to review with him the normal processes involved in requesting witnesses or information for use in a trial under the Manual for Courts Martial and, as in this case, the attendant determination by the head of an agency to authorize agency personnel, etc., to be used or not in accordance with the "rules" spelled out in the manual.

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4. Although Mr. Matteson was not fully convinced himself and was quite hesitant about the reception that will be given this information by Chairman Moss, he agreed that he would check with Colonel Chilcoat before proceeding further with a formal request to the Director for citation of the authorities relied upon by him in the publicized determination concerning the availability of Agency witnesses and information in the prosecution of the Green Berets. He will call if he encounters difficulties with Army JAG. It was also agreed that I would go by during the morning to meet with him.

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